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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,275	04/14/2004	James P. Jones	WNM1USA	6206

270 7590 10/06/2006

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EXAMINER	
MILLER, DANIEL H	

ART UNIT	PAPER NUMBER
1775	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/824,275	JONES, JAMES P.	
	Examiner	Art Unit	
	Daniel Miller	1775	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 3-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 3-5, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elbert (U.S. 3,617,413) in view of Foster (U.S 5,104,475).

2. Elbert teaches a polymeric ribbon that is extruded and pigmented to look like artificial grass and tuft through a (textile backing) nylon scrim (example 1). The artificial grass has a two-layered backing (see #'s 11-12 of figures 6-7), wherein the bottom layer can be a polyurethane backing (example 9). However, Elbert is silent as to securing two or three portions of it to one another with a hot melt adhesive.

3. Foster teaches a carpet (playing surface) using an edge-to-edge relationship held together using a seam made from hot-melt and fiberglass fibers (see abstract and column 3 line 1-10). The hot melt adhesive can be polyamide (see incorporated text of Burgess, column 2 line 67 to column 3 line 1). The carpet additionally has a cushioning layer adhesively connected to the floor (column 3 line 50-65). It is the examiners position that the polyamide hot-melt of Foster will inherently possess a softening point of

about 140 or 150 degrees C. Foster is silent as to being specifically used as an artificial turf, or having a polyurethane backing.

4. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the hot melt film of Foster in the application of Elbert in order to attach adjacent layers securely to one another.

5. Regarding claim 10, the figures of Foster depict a taping mechanism consistent with applicant's claim language.

Regarding claim 11, the inclusion of a third layer of artificial turf would be obvious predicated on the area to be covered.

Claims 6 and 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elbert in view of Foster as applied to claim 1 above, and further in view of Spendlove (U.S. 6043,302).

Elbert in view of Foster, discussed above, is silent on the cushion layers being made of rubber.

Spendlove teaches an impact absorbing material made from particulate rubber in a binder used for sports pitches and athletic tracks (abstract). It can be overlayed with a simple sand filled carpet for athletics providing a firm base (column 3 line 1-20). Further, the applicant admits in his specifications background that rubber pads are known in the art.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to substitute the padding of Spendlove in the structure of Foster and Layman because it can be overlayed with a simple sand filled carpet for athletics providing a firm base. It would further be obvious from the disclosures of Foster and Layman that an attached padding or cushion is contemplated to be bonded to an adjacent member using the same means as that used to attach the turf itself.

Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elbert in view of Foster et al in view of Spendlove (U.S. 6043,302) as applied to claim 6 above, and further in view of Kocinec et al (PG-PUB 2003/0044563 A1).

Elbert in view Foster and further in view of Spendlove teach all the limitations of claims 6 as above but are silent on the tape having a polyester fabric backing.

Kocinec teaches a multi-layered hot melt tape with a polyester fabric backing (see abstract). The tape is useful to create a waterproof seam and repairs of rips, tears, or perforations in a fabric (U.S. 0010, 0017).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to substitute the tape backing of Kocinec with the tape backing taught by Spendlove to create a waterproof seam.

Response to Arguments

6. Applicant's arguments filed 7/10/2006 have been fully considered but they are not persuasive. Applicant has argued that the techniques disclosed of using a polyamide hot melt film would not be obvious because (1) of the time consuming nature of the activity and (2) the difficulty in applying the polyamide hot melt in outdoor ambient temperatures. First, the fact that the activity is time consuming does not make it non-obvious. Secondly, artificial turfs are routinely used indoors (i.e. indoor dome stadiums, and other enclosed areas). Therefore, applicant's arguments are not deemed persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Miller whose telephone number is (571) 272-1534. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer McNeil can be reached on (571) 272-1540. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel Miller

JENNIFER C. MCNEIL
SUPERVISORY PATENT EXAMINER
9/30/06